

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MICHELE WILKINSON, <i>et al.</i> ,	:	
Plaintiffs,	:	Case No. 3:11cv00247
vs.	:	District Judge Walter Herbert Rice
	:	Chief Magistrate Judge Sharon L. Ovington
GREATER DAYTON REGIONAL	:	
TRANSIT AUTHORITY, <i>et al.</i> ,	:	
Defendants.	:	
	:	

ORDER

This matter is before the Court upon Plaintiffs' Motion to Strike Defendant's Bench Memorandum Regarding Documents Submitted For *In Camera* Review (Doc. #125) and the record as a whole. The Bench Memorandum Plaintiffs seek to strike appears in the record at Doc. #124.

Plaintiffs seek not only an Order striking Defendant's Bench Memorandum, they also seek an Order imposing sanctions upon Defendant. Plaintiffs contend that the Bench Memorandum blatantly disregards this Court's Order of January 21, 2014 (Doc. #123), is a direct violation of this Order, and is inexcusable and wholly unjustified.

Defendant's Bench Memorandum does not violate the Court's Order of January 21, 2014. That Order denied Defendant leave to submit or file a Confidential Memorandum; it

did not prohibit (or address) whether Defendant should be permitted to file a non-confidential Bench Memorandum concerning the documents they have submitted for *in camera* review. *See* Doc. 123. Consequently, Plaintiffs' Motion to Strike lacks merit and an Order imposing sanctions upon Defendant is unwarranted.

IT IS THEREFORE ORDERED THAT:

1. Plaintiffs' Motion to Strike Defendant's Bench Memorandum Regarding Documents Submitted For *In Camera* Review (Doc. #125) is **DENIED**; and
2. **On or before March 5, 2014**, Plaintiffs may file a Memorandum responding to the assertions raised in Defendant's Bench Memorandum (Doc. #125).

February 12, 2014

s/Sharon L. Ovington
Sharon L. Ovington
Chief United States Magistrate Judge